

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **LUIS ANGEL POGGI FUENTES**
SSN xxx-xx-7621
MIGDALIA MILIAN SANTIAGO
SSN xxx-xx-3400

Debtor(s)

CASE NO: **18-05636-MCF**

Chapter 13

TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$1,000.00** Outstanding (Through the Plan): **\$2,000.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: ☒ Under Median Income 36 months ☐ Above Median Income 60 months §1325(b)(1)(B)
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$0.00**

Liquidation Value: \$1,892,197.00 Estimated Priority Debt: \$0.00

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$1,892,197.00

With respect to the (amended) Plan date: **Jun 13, 2019 (Dkt 42)** **Plan Base: \$222,058.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** **Plan Confirmation** **Gen. Uns. Approx. Dist.: 100 %**

The Trustee objects to confirmation for the following reasons:

[1325(a)(1)] Failure to comply with her/his/their duties.[11 U.S.C.704(a)(4) and 1302(b)(1)]

Debtors have failed to submit evidence of Joint Debtor's new income from Pro Unlimited Inc., as listed in Schedule I.

[1325(a)(6)] Feasibility – Debtor(s) does not has/have the capacity to make proposed plan payments.

- Trustee objects the plan for lack of feasibility because the source of income for the lump sum payment is uncertain. Debtors are providing a lump sum payment in the amount of \$120,000.00 from a proceeds of a claim of damaged to be filed against Banco Popular de Puerto Rico ("BPPR"). BPPR has objected the plan for said reason as well.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney throught CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: July 04, 2019

/s/ Alexandra Rodriguez, Esq.